

**COLORADO COURT OF APPEALS**

Ralph L. Carr Judicial Center  
2 East 14th Avenue  
Denver, Colorado 80203

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CASE NUMBER: 2023CV30834

District Court, Weld County, Colorado  
Honorable Todd L. Taylor  
Case No. 2023CV30834

**Defendant-Appellant/Cross-Appellee:**

WELD COUNTY BOARD OF COUNTY  
COMMISSIONERS,

v.

**Plaintiffs-Appellees/Cross-Appellants:**

LEAGUE OF WOMEN VOTERS OF GREELEY,  
WELD COUNTY, INC.; LATINO COALITION OF  
WELD COUNTY; BARBARA WHINERY; and  
STACY SUNIGA

**▲ COURT USE ONLY ▲**

Case No.: 2024CA774

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**NOTICE OF CROSS-APPEAL**

Plaintiffs-Appellees/Cross-Appellants League of Women Voters of Greeley, Weld County Inc., Latino Coalition of Weld County, Barbara Whinery, and Stacy Suniga (collectively Voters) timely cross-appeal as follows:

### **NATURE OF THE CASE**

#### **A. General statement of the nature of the controversy.**

This case arises from the Board's disregard of mandatory procedures and criteria to be considered when redistricting county commissioner districts.

House Bill 21-1047, codified at sections 30-10-306 to -306.4, C.R.S. (2023) (Redistricting Statutes), became effective in 2021. The Redistricting Statutes impose a number of procedural safeguards on the county commissioner redistricting process, including that districts must be drawn based on fair and neutral criteria. The Redistricting Statutes are unambiguous: they apply to "each" county that, like Weld, has any number of county commissioners elected not elected by the whole county. § 30-10-306.1(1)(a), C.R.S.

The Board intentionally ignored the Redistricting Statutes in its 2023 county commissioner redistricting process, claiming they did not bind Weld County because it is a home rule county. Voters filed this lawsuit alleging the Redistricting Statutes, consistent with the Colorado Constitution, imposed a mandatory

redistricting process all counties (including home rule counties). Voters sought injunctive relief enjoin the Board from using its illegally drawn map and order the Board to complete a new redistricting process in compliance with the Redistricting Statutes.

The district court agreed with Voters, concluding the Board was bound by the Redistricting Statute and had “failed to meet nearly every procedural requirement imposed by [the statutes].” 3.1.2024 Or. at 7. In light of that failure, the district court enjoined the Board from using its illegal map “in any election.” *Id.* at 26.

The district court did not, however, order the Board to complete a new redistricting process in compliance with the Redistricting Statutes as Voters requested. Instead, the Court ordered the Board to begin a “redistricting process in compliance with §§ 30-10-306.1 through 30-10-306.4 [for the 2024 elections], **if possible**, and if not possible, the Board is ordered to use the commissioner district maps in effect before the March 1 Resolution was adopted.” 3.1.2024 Or. at 26 (emphasis added). Voters now cross-appeal for the additional relief to which they are entitled based on the district court’s order that it failed to award: a redistricting process compliant with the Redistricting Statutes.

**B. Judgment being appealed and dates of entry and basis for appellate court’s jurisdiction.**

Voters cross-appeal the district court’s March 1, 2024 Order Granting Plaintiffs Motion for Summary Judgment.

This Court has jurisdiction because the March 1, 2024 order is a final order (i.e., ends all claims as to all parties) and is therefore appealable to this Court. § 13-4-102(1), C.R.S. (“[T]he court of appeals shall have initial jurisdiction over appeals from final judgments of . . . the district courts[.]”); *see also In re Marriage of Hill*, 166 P.3d 269, 271 (Colo. App. 2007) (“A judgment is final and therefore appealable if it disposes of the entire litigation on its merits, leaving nothing for the court to do but execute on the judgment.”).

This cross-appeal is timely because the Board filed a motion for post-trial relief on under C.R.C.P. 59 on March 15, 2024, within fourteen days of the district court’s March 1, 2024 Order. The time for an appeal began to run when the district court issued its order disposing of that motion on April 1, 2024. *See* 4.1.2024 Or. Voters have filed this notice of cross-appeal within forty-nine days of that order as required by C.A.R. 4(a).

**C. Remaining pending issues.**

None.

**D. Judgments made final pursuant to C.R.C.P. 54(b).**

None.

**E. Date the order was entered.**

March 1, 2024.

**F. Extensions granted for post-trial relief.**

None.

**G. Date post-trial motions were filed.**

March 15, 2024.

**H. Date post-trial motion relief was denied.**

April 1, 2024.

**I. Extensions to file notice of appeal.**

None.

**ADVISORY LISTING OF ISSUES TO BE RAISED ON APPEAL**

Voters, without prejudice to their ability to raise additional issues on cross-appeal, provide the following advisory listing:

1. Whether the Board must be directed to engage in a county commissioner redistricting process that complies with the Redistricting Statutes for future elections.

2. Any issue preserved in the district court.

3. Any issue raised in the post-trial briefing.

**TRANSCRIPTS NECESSARY TO RESOLVE ISSUES ON APPEAL**

No transcripts are necessary to resolve the issues raised on appeal.

**WHETHER THE ORDERS ON REVIEW WERE ISSUED BY A  
MAGISTRATE**

No.

**PARTIES' COUNSEL**

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**APPENDIX**

An Appendix containing the March 1, 2024 Order, the April 1, 2024 Order, and the Board's motion for post-trial relief is attached to this Notice.

Dated: May 7, 2024

*s/ Kendra N. Beckwith*  
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Appellants League of Women Voters of  
Greeley, Weld County, Inc., Latino  
Coalition of Weld County, Barbara  
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**CERTIFICATE OF SERVICE**

I certify that on May 7, 2024, I filed the foregoing with the Colorado Court of Appeals and served a true and accurate copy on all counsel of record via the Colorado E-File System:

*s/ Kendra N. Beckwith*